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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 DAVID R. BENSON,

11 Plaintiff,

12 vs.

13 MICHAEL J. ASTRUE,  
Commissioner of Social Security,

14 Defendant.

Case No. 2:08-cv-1656-CRD

ORDER OF REMAND


15 Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned  
16 case be REVERSED and REMANDED for further administrative proceedings pursuant to  
17 sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council shall attempt to locate the  
18 missing transcript of the December 2005 hearing. In addition, an Administrative Law Judge  
19 (ALJ) shall hold a de novo hearing. The ALJ shall also re-evaluate all of the medical evidence of  
20 record, including the opinions of Dana Harmon, Ph.D. The ALJ shall also address the claimant's  
21 use of a cane and determine the extent to which that use erodes the sedentary occupational base  
22 pursuant to Social Security Ruling (SSR) 96-9p. The ALJ shall also re-evaluate the claimant's  
23 credibility and residual functional capacity. The ALJ shall also obtain additional vocational expert

1 testimony, if necessary, and ensure that any such testimony is consistent with the Dictionary of  
2 Occupational Titles in accordance with SSR 00-4p. Finally, the ALJ shall adjudicate all of the  
3 claimant's pending applications, including the claimant's concurrent applications filed in  
4 December 2002. Plaintiff may submit additional evidence and arguments to the ALJ on remand.  
5 The ALJ will issue a de novo decision, and those other aspects of the ALJ's prior decision not  
6 specifically addressed here are not affirmed.

7 Plaintiff is entitled to reasonable attorney fees, expenses, and costs pursuant to 28 U.S.C.  
8 § 2412(d), upon proper request to this Court.

9 JUDGMENT is entered for Plaintiff, and this case is closed.

10 DATED this 11<sup>th</sup> day of May, 2009.

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13 Carolyn R. Dimmick  
14 United States District Judge  
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17 Presented by:

18 /s/ Mathew W. Pile  
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